

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, September 19, 2011

Those Present: Mr. James E. McClellan, Chairman
Mr. Charles R. Cline, Board Member
Mr. Richard E. Zimmerman, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Kemptown Grocery** – Mrs. Rees stated there was a request to deliver from this establishment. The Board approved this request.
2. **Firestones** – Mrs. Rees stated that this establishment had submitted a request for “bottomless mimosas” to be served with a brunch from 11AM-3PM for a charge of \$15. Liquor Inspector will advise the licensee.

MOTION ONE: Mr. Zimmerman made a motion to deny this request because no licensee is allowed to offer alcohol at a set price under Section 6.13(b) of the Board’s regulations and they were offering “bottomless mimosas” for a set price of \$15.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was ***Aye – 3 Nay – 0***
(Motion Passed)

3. **Griffs** – Mrs. Rees stated there was an anonymous complaint that this establishment was serving “bottomless” drinks for a brunch. Liquor Inspector will advise the licensee.

MOTION ONE: Mr. Cline made a motion to deny this establishment to serve “bottomless” or “all you can drink” drinks.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was **Aye – 3 Nay – 0**
(Motion Passed)

4. Decision Required: New

RE: Seema Sharma for the use of
Delhi 6 LLC
t/a Delhi 6 Indian Cuisine
5732 Buckeystown Pike #2
Frederick, MD 21704
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a new license. Mrs. Thall swore in the applicants (See attached Sign In Sheet). There were no pending items. The Alcohol Awareness training will be scheduled. Liquor Inspector stated they are compliant.

MOTION ONE: Mr. Cline made a motion for approval.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**

(Motion Passed)

5. Decision Required: New

RE: Scott Jensen
For the Use of
Fishing Creek General Store
11204 Hessong Bridge Rd.
Thurmont, MD 21788
Class A, Off Sale, Beer Only

The Board held a hearing for a new license. Mrs. Thall swore in the applicants (See attached Sign In Sheet). The pending items are: Occupancy Permit and the Retail Sales Tax license. Mr. Jensen submitted a copy of both documents. The Retail Sales Tax license was incorrect and will need to be corrected. The Liquor Inspector stated they are compliant.

MOTION ONE: Mr. Zimmerman made a motion for a conditional approval until October 24, 2011.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

6. Decision Required: Violation

RE: Gerald Yonetz, Jr.,
Christopher Simpson &
William Thomas II
for the use of Golden Mile
Liquors, Inc.
t/a Golden Mile Liquors
50 N. McCain Drive
Frederick, Maryland 21702
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit
License Number 11AL 1132 SU

FCLB Case Number: 5184

The Board held a violation hearing on a charge that on June 11, 2011 either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor, Nicholas Constantine. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Guilty. Mrs. Rees stated that previous violations were on May 13, 1996 for a Late Renewal \$250 fine, August 2, 2000, Sales to Minors, \$300 fine and 10 days suspension, that was suspended and put on probation for 90 days. June 24, 2002 Late Renewal, \$250 fine.

MOTION ONE: Mr. Cline made a motion for a fine of \$400.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: Violation

RE: Rashad Kronfli & Rose Yousif
for the use of Kronfli, Inc.
t/a Old Farm Liquors
2190 Old Farm Drive
Frederick, Maryland 21702
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit & Beer & Wine Tasting
License Number 11AL 1166 SUWT
FCLB Case Number: 5183

The Board held a violation hearing on a charge that on June 11, 2011 either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor, Nicholas Constantine. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Guilty. Mrs. Rees stated that there were no previous violations.

MOTION ONE: Mr. Zimmerman made a motion for a fine of \$400 Suspended.

SECOND: Mr. Cline seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: The Board considered the length of time that the establishment had been in business and its lack of prior violations, finding that this justified the suspended fine.

VOTE: Mr. Zimmerman – Aye
Mr. Cline – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

8. Decision Required: Violation

RE: Kevin Cassidy & Ute Cassidy
for the use of Plus Mart II, Inc.
t/a Plus Mart II
1202 E. Patrick Street
Frederick, Maryland 21701
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit
License Number 11AL 1228 SU
FCLB Case Number: 5210

The Board held a violation hearing on a charge that on June 24, 2011 either directly or through an employee, the licensee allegedly sold alcoholic beverages to a minor, Chelsey Marie Warner. Mrs. Thall swore in the licensees and potential witnesses. (See Attached Sign In Sheet). The licensees pled Guilty. Mrs. Rees stated that there were no previous violations.

MOTION ONE: Mr. Zimmerman made a motion for a fine of \$400 Suspended.

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: The Board considered the length of time that the establishment had been in business and

its lack of prior violations, finding that this justified the suspended fine.

VOTE: Mr. Zimmerman – Aye
Mr. McClellan – Aye
Mr. Cline – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

Mr. Cline stated he would like to amend the Motion for the fines of \$400 suspended was due to the longevity of each establishment the Old Farm and the Plus Mart II, one for 18 years and one for 14 years without a violation.

9. Decision Required: Approval of the Public Meeting Minutes for August 29, 2011.

The Public Meeting Minutes of August 29, 2011 were approved.

MOTION: Mr. Cline made a motion to approve the minutes for August 29, 2011.

SECOND: Mr. Zimmerman seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Cline – Aye
Mr. Zimmerman – Aye
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

10. **Vote by Poll** – Mr. Cline stated that a Vote by Poll should not be taken and every request should be discussed in session by the Board. Mr. Zimmerman stated he does not support a carte blanche decision and that some discretion should be allowed in these requests. Mr. Cline stated he did not want anymore calls regarding requests made by the licensees. There was no vote taken by the Board.

11. **Interviews** – Mr. Zimmerman stated that he and Ms. Vahle were interviewing seven applicants for the vacant position. Mrs. Rees stated one person terminated their application and six people will be interviewed. The Board was invited to attend the interviews if they wished.

ADJOURN

The meeting was adjourned at 10:22 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees